



General Assembly

Substitute Bill No. 7309

January Session, 2017



AN ACT CONCERNING HUMAN TRAFFICKING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-170 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) There is established a Trafficking in Persons Council that shall be
4 within the Commission on Women, Children and Seniors for
5 administrative purposes only.

6 (b) The council shall consist of the following members: (1) The Chief
7 State's Attorney, or a designee; (2) the Chief Public Defender, or a
8 designee; (3) the Commissioner of Emergency Services and Public
9 Protection, or the commissioner's designee; (4) the Labor
10 Commissioner, or the commissioner's designee; (5) the Commissioner
11 of Social Services, or the commissioner's designee; (6) the
12 Commissioner of Public Health, or the commissioner's designee; (7) the
13 Commissioner of Mental Health and Addiction Services, or the
14 commissioner's designee; (8) the Commissioner of Children and
15 Families, or the commissioner's designee; (9) the Commissioner of
16 Consumer Protection, or the commissioner's designee; (10) the director
17 of the Basic Training Division of the Police Officer Standards and
18 Training Council, or the director's designee; (11) the Child Advocate,
19 or the Child Advocate's designee; (12) the Victim Advocate, or the

20 Victim Advocate's designee; (13) the chairperson of the Commission
21 on Women, Children and Seniors or the chairperson's designee; (14)
22 one representative of the Office of Victim Services of the Judicial
23 Branch appointed by the Chief Court Administrator; (15) a municipal
24 police chief appointed by the Connecticut Police Chiefs Association, or
25 a designee; (16) the Commissioner of Education, or the commissioner's
26 designee; (17) an adult victim of trafficking, appointed by the
27 Governor; and [(16)] (18) ten public members appointed as follows:
28 The Governor shall appoint two members, one of whom shall
29 represent victims of commercial exploitation of children and one of
30 whom shall represent sex trafficking victims who are children, the
31 president pro tempore of the Senate shall appoint two members, one of
32 whom shall represent the Connecticut Alliance to End Sexual Violence
33 and one of whom shall represent an organization that provides civil
34 legal services to low-income individuals, the speaker of the House of
35 Representatives shall appoint two members, one of whom shall
36 represent the Connecticut Coalition Against Domestic Violence and
37 one of whom shall represent the Connecticut Lodging Association, the
38 majority leader of the Senate shall appoint one member who shall
39 represent an organization that deals with behavioral health needs of
40 women and children, the majority leader of the House of
41 Representatives shall appoint one member who shall represent an
42 organization that advocates on social justice and human rights issues,
43 the minority leader of the Senate shall appoint one member who shall
44 represent the Connecticut Immigrant and Refugee Coalition, and the
45 minority leader of the House of Representatives shall appoint one
46 member who shall represent the Motor Transport Association of
47 Connecticut, Inc.

48 (c) The chairperson of the Commission on Women, Children and
49 Seniors, or a designee, shall serve as chairperson of the council. The
50 members of the council shall serve without compensation but shall be
51 reimbursed for necessary expenses incurred in the performance of
52 their duties.

53 (d) The council shall: (1) Hold meetings to provide updates and
54 progress reports, (2) coordinate the collection, analysis and
55 dissemination of data regarding human trafficking, and (3) consult
56 with governmental and nongovernmental organizations in developing
57 recommendations to strengthen state and local efforts to prevent
58 trafficking, protect and assist victims of trafficking and prosecute
59 traffickers. The council shall meet at least three times per year.

60 (e) The council may request data and other information from state
61 and local agencies to carry out its duties under this section.

62 (f) (1) The council shall:

63 (A) Develop a list of key indicators that a person is a victim of
64 trafficking;

65 (B) Develop a standardized curriculum and conduct training for
66 doctors, nurses, pharmacists, pharmacy technicians, emergency
67 medical services personnel, teachers, school counselors, school
68 administrators and personnel from the Department of Children and
69 Families and the Department of Public Health to identify and assist
70 victims of trafficking;

71 (C) Develop and conduct training for personnel from the
72 Departments of Children and Families and Public Health on methods
73 for identifying children in foster care who may be at risk of becoming
74 victims of trafficking;

75 (D) Develop a plan for mental health, support and substance abuse
76 programs for individuals identified as victims of trafficking and those
77 arrested for prostitution in violation of section 53a-82. The plan shall
78 provide for (i) the diversion of victims of trafficking and prostitution
79 offenders into community-based treatment and support services,
80 including, but not limited to, substance abuse recovery, housing,
81 healthcare, job training, treatment and mental health support, and (ii)
82 after the successful completion of the program, the dismissal of any
83 related criminal charges against the accused.

84 (2) The council shall include such plan and any recommendations
85 for legislation to implement the plan as part of any report submitted
86 pursuant of subsection (h) of this section not later than January 1, 2018.

87 (g) The council shall examine the challenges faced by victims of
88 trafficking who are persons without legal immigration status. The
89 council may recommend services that such persons could benefit from
90 and legislation to provide such services as part of any report submitted
91 pursuant to subsection (h) of this section.

92 [(f)] (h) Not later than January 1, 2008, and annually thereafter, the
93 council shall submit a report of its activities, including any
94 recommendations for legislation, to the General Assembly in
95 accordance with section 11-4a.

96 [(g)] (i) For the purposes of this section, "trafficking" means all acts
97 involved in the recruitment, abduction, transport, harboring, transfer,
98 sale or receipt of persons, within national or across international
99 borders, through force, coercion, fraud or deception, to place persons
100 in situations of slavery or slavery-like conditions, forced labor or
101 services, such as forced prostitution or sexual services, domestic
102 servitude, bonded sweatshop labor or other debt bondage.

103 Sec. 2. Section 53a-192a of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2017*):

105 (a) A person is guilty of trafficking in persons when such person (1)
106 compels or induces another person to engage in conduct involving
107 sexual contact with one or more third persons, or provide labor or
108 services that such person has a legal right to refrain from providing, by
109 means of (A) the use of force against such other person or a third
110 person, or by the threat of use of force against such other person or a
111 third person, (B) fraud, or (C) coercion, as provided in section 53a-192,
112 [or] (2) compels or induces another person who is under eighteen years
113 of age to engage in conduct involving sexual contact with one or more
114 third persons that constitutes sexual contact for which such third

115 person may be charged with a criminal offense, or (3) otherwise
116 commits an act that constitutes sex trafficking. For the purposes of this
117 subsection, "sexual contact" means any contact with the intimate parts
118 of another person, and "sex trafficking" means sex trafficking as
119 defined in 22 USC 7102, as amended from time to time.

120 (b) Trafficking in persons is a class [B] A felony.

121 Sec. 3. Section 53a-83 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2017*):

123 (a) A person is guilty of patronizing a prostitute when: (1) Pursuant
124 to a prior understanding, [he] such person pays a fee to another person
125 as compensation for such person or a third person having engaged in
126 sexual conduct with [him] such person; [or] (2) [he] such person pays
127 or agrees to pay a fee to another person pursuant to an understanding
128 that in return [therefor] for such fee such other person or a third
129 person will engage in sexual conduct with [him] such person; or (3)
130 [he] such person solicits or requests another person to engage in sexual
131 conduct with [him] such person in return for a fee.

132 (b) [Except as provided in subsection (c) of this section, patronizing]
133 Patronizing a prostitute is a class A misdemeanor and any person
134 found guilty shall be fined two thousand dollars.

135 [(c) Patronizing a prostitute is a class C felony if such other person
136 (1) had not attained eighteen years of age, or (2) was the victim of
137 conduct of another person that constitutes (A) trafficking in persons in
138 violation of section 53a-192a, or (B) a criminal violation of 18 USC
139 Chapter 77, as amended from time to time.]

140 Sec. 4 (NEW) (*Effective October 1, 2017*) (a) A person is guilty of
141 commercial sexual abuse of a minor when: (1) Such person pays a fee
142 to a minor or third person as compensation for a minor having
143 engaged in sexual conduct with such person; (2) such person pays or
144 agrees to pay a fee to a minor or a third person pursuant to an
145 understanding that in return for such fee the minor will engage in

146 sexual conduct with such person; or (3) such person solicits, offers or
147 requests to engage in sexual conduct with a minor, or any other person
148 that such person reasonably believes to be a minor, in return for a fee.

149 (b) Commercial sexual abuse of a minor is a class B felony and any
150 person found guilty under this section shall be sentenced to a term of
151 imprisonment of which nine months of the sentence imposed may not
152 be suspended or reduced by the court and be fined five thousand
153 dollars.

154 (c) For purposes of this section, "minor" means a person who has not
155 attained eighteen years of age.

156 Sec. 5. Section 54-234a of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective October 1, 2017*):

158 (a) (1) The operator of any (A) (i) business that engages in the
159 impermissible operation of a business that permits persons who are
160 not licensed pursuant to section 20-206b to engage in the practice of
161 massage therapy, or (ii) massage parlor, as defined by the applicable
162 municipal ordinance, that significantly impacts the safety of the
163 surrounding area; (B) publicly or privately operated highway service
164 plaza; [, any] (C) hotel, motel, inn or similar lodging; [or] (D) public
165 airport, as defined in section 15-74a; (E) acute care hospital emergency
166 room; (F) urgent care facility; (G) station offering passenger rail service
167 or passenger bus service; (H) any business that sells or offers for sale
168 materials or promotes performances intended for an adult-only
169 audience; or (I) employment agency, as defined in section 31-129, that
170 offers personnel services to any other operator described in this
171 subdivision, and (2) each person who holds an on-premises
172 consumption permit for the retail sale of alcoholic liquor pursuant to
173 title 30, shall post the notice developed pursuant to subsection (b) of
174 section 54-222 in plain view in a conspicuous location where [sales]
175 labor and services are provided or performed, tickets are sold and
176 other transactions, including sales, are to be carried on.

177 (b) The provisions of subsection (a) of this section shall not apply to
178 any person who holds an on-premises consumption permit for the
179 retail sale of alcoholic liquor pursuant to title 30 that consists of only
180 one or more of the following: (1) A caterer, [railroad,] boat, [airline,]
181 military, charitable organization, special club, temporary liquor or
182 temporary beer permit, or (2) a manufacturer permit for a farm winery,
183 a manufacturer permit for beer, manufacturer permits for beer and
184 brew pubs, or any other manufacturer permit issued under title 30.

185 (c) Any operator or person who fails to comply with the provisions
186 of subsection (a) of this section shall be fined one hundred dollars for a
187 first offense and two hundred fifty dollars for any subsequent offense,
188 in addition to any proceedings for suspension or revocation of a
189 license, permit or certificate that the appropriate authority may initiate
190 under any other provision of law.

191 Sec. 6. (NEW) (*Effective October 1, 2017*) (a) The Commissioner of
192 Children and Families, in consultation with the Commissioner of
193 Emergency Services and Public Protection, shall develop an initial
194 educational training program and refresher training program for the
195 accurate and prompt identification and reporting of suspected human
196 trafficking.

197 (b) The training program shall include a video presentation,
198 developed and approved by said commissioners, that offers awareness
199 of human trafficking issues and guidance to law enforcement
200 personnel, judges of the Superior Court, prosecutors, public defenders
201 and other attorneys who represent criminal defendants, hospital
202 emergency room staff and urgent care facility staff who have contact
203 with patients and persons employed by a local or regional board of
204 education or a constituent unit, as defined in section 10a-1 of the
205 general statutes, who have contact with students.

206 (c) Any person described in subsection (b) of this section shall
207 complete the initial educational training program not later than July 1,
208 2018, and shall complete the refresher training program annually

209 thereafter, provided any person being employed as such a person shall
210 complete such initial educational training program not later than six
211 months after beginning such employment or July 1, 2018, whichever is
212 later.

213 Sec. 7. (*Effective from passage*) (a) The Commissioner of
214 Administrative Services, in consultation with the Chief State's
215 Attorney, the Attorney General, the Secretary of the Office of Policy
216 and Management, the Commissioner of Emergency Services and
217 Public Protection, the Labor Commissioner, the Commissioner of
218 Social Services and the Commissioner of Children and Families shall
219 examine the federal Executive Order 13627 Strengthening Protections
220 Against Trafficking in Persons in Federal Contracts for the purpose of
221 adapting and implementing similar provisions for contracts entered
222 into by this state. Upon the completion of such examination, the
223 commissioner shall immediately implement any adapted provisions
224 that may be implemented administratively.

225 (b) Not later than January 1, 2018, the commissioner shall report, in
226 accordance with section 11-4a of the general statutes, to the General
227 Assembly any recommendations for legislation necessary to carry out
228 the provisions of subsection (a) of this section.

229 Sec. 8. Section 53a-84 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2017*):

231 (a) In any prosecution for prostitution in violation of section 53a-82
232 or patronizing a prostitute in violation of section 53a-83, as amended
233 by this act, [or 53a-83a,] the sex of the two parties or prospective
234 parties to the sexual conduct engaged in, contemplated or solicited is
235 immaterial, and it shall be no defense that: (1) Such persons were of the
236 same sex; or (2) the person who received, agreed to receive or solicited
237 a fee was a male and the person who paid or agreed or offered to pay
238 such fee was a female.

239 (b) In any prosecution for patronizing a prostitute in violation of

240 section 53a-83, as amended by this act, [or 53a-83a,] promoting
241 prostitution in violation of section 53a-86, 53a-87 or 53a-88 or
242 permitting prostitution in violation of section 53a-89, it shall be no
243 defense that the person engaging or agreeing to engage in sexual
244 conduct with another person in return for a fee could not be
245 prosecuted for a violation of section 53a-82 on account of such person's
246 age.

247 Sec. 9. Subsection (a) of section 54-36p of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective*
249 *October 1, 2017*):

250 (a) The following property shall be subject to forfeiture to the state
251 pursuant to subsection (b) of this section:

252 (1) All moneys used, or intended for use, in a violation of
253 subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-
254 87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b,
255 53a-196c or 53a-196i;

256 (2) All property constituting the proceeds obtained, directly or
257 indirectly, from a violation of subdivision (3) of subsection (a) of
258 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
259 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

260 (3) All property derived from the proceeds obtained, directly or
261 indirectly, from a violation of subdivision (3) of subsection (a) of
262 section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-
263 189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i;

264 (4) All property used or intended for use, in any manner or part, to
265 commit or facilitate the commission of a violation of subdivision (3) of
266 subsection (a) of section 53-21 or section 53a-83, as amended by this
267 act, [53a-83a,] 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-
268 192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i.

269 Sec. 10. Sections 53a-83a and 54-36m of the general statutes are

270 repealed. (*Effective October 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	46a-170
Sec. 2	<i>October 1, 2017</i>	53a-192a
Sec. 3	<i>October 1, 2017</i>	53a-83
Sec. 4	<i>October 1, 2017</i>	New section
Sec. 5	<i>October 1, 2017</i>	54-234a
Sec. 6	<i>October 1, 2017</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2017</i>	53a-84
Sec. 9	<i>October 1, 2017</i>	54-36p(a)
Sec. 10	<i>October 1, 2017</i>	Repealer section

JUD *Joint Favorable Subst.*